EXHIBIT 1 DEPOSITION OF WENDY ROBERSON PGS. 65 THROUGH 133

Г				
		65		67
	A. If if there was record		1 suffered medical issues. And the	he
	2 of it it would have been probably		2 turnover in the jail was great as	
- 1	3 verbal between officer to officer		3 far as inmates being incarcerate	ed.
	as to what we had done. It		4 and being released, and for me	to
	wouldn't necessarily be something		5 remember any one specific inm	ate's
	6 that was written down.		6 medical care would not be	
- 1	Q. Well, looking through the		7 reasonable.	
•	jail file that was produced to me,		8 Q. Who was Dr. Weaver?	,
	I don't see any indication of any	1	9 A. Dr. Weaver was to my	
1		-	0 knowledge a physician here in t	
1		- 1	1 county. He had an office locate	d d
1:	(, 50		2 in close proximity to the jail tha	t
1:	mere b producty not a	1	3 the county specified that we use	
1.	4 written account of our attempts to		4 for inmate care when possible.	
1:	5 contact doctors. However, you do		5 also used Dr. James over in the	***
110	see copies in the file of	1	6 Alexander City area when Dr. V	Veaver
11			7 was not available.	v CavCi
118	3 that would indicate that there was	1	8 Q. Did you use any other	
19			9 physicians?	
20	kind of medical history on this		O A. Not to my knowledge.	т
21	inmate.	- 1	believe that there was another	1
22	Q. Who would have been	1	2 doctor in the office with Dr.	
23			3 James, a female doctor, in the sa	ma
			Turnes, a remain doctor, in the sa	
,		65		68
1	medical history on the inmate?	1	building that saw some of our	
2	A. It would have been a	-	inmates occasionally.	
3	collective effort between the		MS. MCDONALD: Bet	fore I
4	officers on shift and myself.	1	forget about it, let me give you	
5	Q. I don't see anything in		this (indicating).	
6	the file that is any medical record	- 1	A. I believe her name was	
7	from around the time of November		Goldhagan or something of that	
8	the 13th. The first medical		nature. But I could not say as to	
9	records that I see in the file is	1	whether or which doctor Brian	
10	in the records from Dr. Weaver, and	1	Kelly saw.	
11	that would be November twenty I	1	Q. Now, back to my questi	on.
12	think the 26th.	1		3
13	Are you aware of any	1	intake form?	
14	medical record in the file prior to	1	A. I would imagine, first ar	nd
15	the medical record from Dr. Weaver?	1		
16	A. Sir, the only thing that I	1		
17	can say for certain is is what I	1		7
18	can see that's present in the file.	1		
19	I have no personal actual	1		
20	recollection of any of these	2	Just imitedia	
21	accounts, and you have to	2	be under the influence, I was	
22	understand that Mr. Kelly was not	2	probably having to deal with him	
23	the only inmate in the jail that	2	and the paperwork at that momen	t E
			- T-T Work at that moniton	

17 (Pages 65 to 68)

1310 32nd Street S.

69 71 1 was secondary. I got what I needed would be if they're not in this 2 to have. 2 3 Now, when you got this 3 A. If I'm not mistaken, his 4 information that he was suffering 4 parents were in charge of 5 from seizures and he was bipolar 5 delivering those forms. His 6 and had artificial vertebrae in his parents were very active, actively 7 back, what did you do to pass that 7 making themselves present in the 8 information along to the jail jail during his incarceration. I 9 staff? 9 don't remember specifically, but I 10 I would have orally 10 do remember that there was a lot of 11 informed each of the officers on 11 interaction between his parents and 12 shift. I would have created a 12 the corrections officers as far as 13 medication form if he had any 13 bringing medications, bringing 14 medications and prepared those for 14 forms, and then trying to verify 15 day-to-day use as far as his 15 that he did in fact have these 16 dosaging and actual dispensing of 16 problems. 17 those medications. And would have 17 And you said they were 18 -- my -- initially it would have 18 very active. How often would you 19 been -- my focus would have been on 19 see his parents? 20 verifying what he had told me. 20 Going back to your Q. Now, the -- you said, 21 21 question that you did not see 22 verifying what he had told you, anything in the file regarding our this is when you called around to 23 attempts for HIPAA forms and so 72 the doctors and --1 forth, I have a copy of an 2 That would be when I would authorization for release of initially start trying to find out 3 medical information before me in if in fact he had these conditions, 4 this file. if he was being currently treated 5 Q. What's the date of that? for these conditions, and I can't 6 MS. MCDONALD: It looks 7 -- I can't specifically say but I 7 like it's signed November the 10th. do recall not being able to make 8 A. Yes, the 10th day of 9 contact with -- and I don't 9 November, 2003. 10 remember who the doctors were. I 10 MS. MCDONALD: But it's 11 remember we had a great deal of 11 been notarized by Joan Ashworth. 12 trouble trying to get any 12 who's the secretary over in the 13 information, and, of course, with 13 commission -- I mean, over in the 14 the HIPAA law he has to sign forms, 14 sheriff's office, so --15 those forms have to be faxed to 15 I can assure you that all 16 those particular doctors, giving 16 attempts were made to validate his 17 them permission to release medical 17 claims. 18 information to us. It's quite a 18 (By Mr. Stockham) Let me 19 process. ask you this. Why would you have a

20

21

23

18 (Pages 69 to 72)

HIPAA request signed November 10th

That I cannot answer.

when he wasn't enrolled in the jail

22 until November the 13th?

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I don't see any of those

21 forms that you would have had him

23 produced. Do you know where they

sign in the jail file that was

20

Г			_		
		73			75
	1 Q. It doesn't make sense,		1	it was before he ever got there.	
	2 does it?		2	Q. (By Mr. Stockham) Other	
	A. No, sir.		3	than that document, are you aware	
	Q. Unless that's just the		4	of any other documents to obtain	
	wrong date?		5	medical records for that you had	
	A. That's correct.		6	the jail issue to any doctors to	
- 1	Q. But you don't I'm		7	get medical information?	
- 1	looking for that particular		8	A. I can only testify to what	
- 1	document and I'm not finding it.		9	I see in the file.	
1	,		10	Q. Now, with regard to the	
1	The state of the s		11	medical information, his mother	
1	about		12	told you that he suffered from	
1:	(======================================		13	seizures, didn't she?	
1	100, 511.		14	A. I don't remember that	
1	C. = o your miles in the		15	conversation. I cannot say that	
110			16	she did or did not, but I have no	
1	1 ··· · · · · · · · · · · · · · · · · ·	l	17	recollection of it.	
18	IIIO MICHIOI.	ľ	18	Q. Well, you say that his	
19			19	parents were very active in his	
20	I me diere again i point	1	20	looking after his situation in the	
21	partition word acredate	1	21	jail. How frequently would you see	
22	and a point anomisor ves to be		22	his parents at the jail?	
23	advocates for Mr. Kelly during his		23	A. His father daily.	
l		74			76
1	incarceration at which time created		1	Q. And how about his mother?	
2	a lot of exacerbation for the		2		
3	sheriff's department.		3	j ale prome	
4	Q. Well, apart from this		4	to directly come to the jail but I	ı
5	document that was apparently		5	do remember having frequent phone calls from her.	
6	created before he was arrested and		6		
7	put in jail		7	Q. When you say, frequent, how frequent?	- Vario
8	MS. MCDONALD: Object to		8	A. I would say possibly every	
9	the form. The date may be on there		9	I don't I can't say	
10	before he was actually	1	LO	specifically but they were frequent	Ĭ
11	incarcerated, but that does not	•	1	to the point that I felt that it	
12	mean that the date was incorrect,	1	2	was well, for example, if I had	ı
13	or that this was created before he	1	.3	eighty inmates in the jail I would	Ĭ
14	ever got there.			probably never hear from the	1
15	MR. STOCKHAM: Well, the			parents of any of them. But in Mr.	ě
16	date is before he ever got there.	1		Kelly's case, I was hearing from	
17	MS. MCDONALD: I will	1			
18	agree with you, the date is before	,		his mother probably more than once a week, maybe more than twice a	
19	he was incarcerated on the November			week, maybe more than twice a	
20	the 13th time. He was incarcerated		0		
21	prior to that, but it has been			, ,,,	Ę
22	maybe Ms. Kelly brought it down			eighty inmates in the jail in this time frame, did you?	
23	there to be notarized by Joan and		3		
	7,000			A. I can't tell you what the	

19 (Pages 73 to 76)

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205-250-7765

		77	•		
	1 population was at this time.	′′			79
	2 Q. Well, you carry in the	- 1	1	me, the drug logs that were in the	
	3 daily shift report and the daily	- 1	2	file, would you look at those,	
1	4 tower log reflects what the	- 1	3	please, ma'am.	
	5 population is?		4	(Witness examining	
	A. What the head count is.	- 1	5	documents.)	
	Q. And if that reflects that		6	A. Yes, sir.	
8	Q. I mid it didt folloots tigt		7	Q. Who is responsible for	
]	The state of the s		8	filling out the drug log?	
1	Would		9	A. The officer of that shift.	
		ı	10	Q. And who originally sets	
1			11	them up?	
1:	C Mas the capacity of		12	A. The officer that does the	
11	J	•	13	booking of that particular inmate	
119			14	or the officer on shift at the time	
110	· · · · · · · · · · · · · · · · · · ·		15	that that inmate is prescribed	
1	e. So if whole willey,		L 6	medications.	
118			L7	Q. Now, looking at this,	
119	_		8	there's not a date on any of these	
20			19	med logs, are there?	
21	C arrow, carrot talant confecting	i	20	A. No, sir, there doesn't	
22	and a court de court		21	appear to be.	
23	y I y ware tel ale beoble off		22	Q. Would you ever be the	
123	successive sinits to know what the	_ 2	3	person responsible for filling out	
	7	8			80
1	medical problems were that Mr.		1	any of these med logs?	
2	Kelly suffered?		2	A. Not unless and	
3	A. Other than what was stated	- 1	3	actually, just in a random glance	
4	on his medical sheet there was		4	through I do not see my handwriting	
5	unless there was specific		5	nor my initials on any of these	d vi
6	instruction, such as if we had an		6	medication logs, I do not believe.	, and a
7	inmate that had to take certain		7	Q. I'm going to show you one	Î
8	medications prior to blood tests or	1	3	that might be.	
9	something of that nature the next	- 9	9	A. Okay. This one right here	* Andrew
10	day, then there would be no	1	0	(indicating)?	
11	specific posting other than orally	1		Q. Is there one that looks	ľ
12	from officer to officer. And there	1	2	like under a day fourteen?	ı
13	was a period of time designated at	1		A. Yes, sir.	
14	the beginning of each shift for the	1		Q. Under the S?	
15	off-going officer to brief the	1		A. Yes, sir.	
16	on-coming officer of any pertinent	1		Q. And under day fourteen	
17	information that they needed to	1		opposite your beside your	
18	know for the smooth operation of	1		initials, whose initials are those?	
19	that shift.	1		A. It looks like that could	H
20	Q. Now, in his jail records	2		be Dana Harris. I can't tell if	1
21	that have been identified in the	2		that's an H or a K. It looks like	
22	deposition of Al Bradley and the	2:		a K. I'm not sure.	A
23	deposition of the medical excuse	2:		Q. Okay. Who is Dana Harris?	

20 (Pages 77 to 80)

1310 32nd Street S.

1 A. Dana Harris was a 2 corrections officer with the 3 sheriff's department for a period 4 of time. 4 No, sir. It appears, 5 Q. No longer? 6 A. No, sir. It appears, 6 however, that that's a K. So I'm 8 not — 9 Q. Do you know who that would 10 be? 11 A. No, sir, there were 12 several officers that came and went 13 through the sheriff's department 14 during my time there. 15 Q. And who is — 16 A. Yeah, I'm sorry. We're 17 looking at — that's Daniel Brian 18 Kelly's initials next to mine. 19 Q. And do you know who wrote 20 those initials? 21 A. Well, I — it would most 22 certainly be him, that he took that 23 medication, that he was given that 25 policy and procedure that the 6 officer sign that they gave the 6 officer sign that they gave the 7 medication. 2 Q. Do you think that he wrote 3 that? 4 A. Yes, sir, I do. That was 5 policy and procedure that the 6 officer sign that they gave the 7 medication. 2 Q. Do you think that he wrote 3 that? 4 A. Yes, sir, I do. That was 5 policy and procedure that the 6 officer sign that the did in fact 7 roceive the medication. 10 Q. Now, there are a set of 11 ail requests forms. If you will 12 jail requests forms. If you will 13 turn to those in there, that 14 section, I'd like to go over those 15 with you. 16 MS. MCDONALD: They're 17 scattered out throughout this — 18 thery re not in any order, so — 19 MS. MCDONALD: They're 19 MS. MCDONALD: They're 10 MS. MCDONALD: They're 11 medication. 12 Q. So you won't respond to an immate waits to do an official 11 written request they may. Officers 12 are not always available to speak 13 minute waits to do an official 14 written request they may. Officers 15 with you. 16 however, that the took that 17 mothers of all, what are the purpose 18 Q. And what is the — how do 19 frey get these forms? 19 A. For communication between 20 and the immate and the officer's 21 do (MS. MCDONALD: They're 22 do (MS. MCDONALD: They're 23 a corrections officer. 24 and what is the other in the cell 25 of these forms? 26 A. They — there are some 27 forms av		Reporting, Inc.
1 A. Dana Harris was a 2 corrections officer with the 3 sheriff's department for a period 4 of time. 4 of time. 5 Q. No longer? 6 A. No, sir. It appears, 7 however, that thar's a K. So I'm 8 not 9 Q. Do you know who that would 10 be? 11 A. No, sir, there were 12 several officers that came and went 13 through the sheriff's department 14 during my time there. 15 Q. And who is 16 A. Yeah, I'm sorry. We're 17 looking at - thar's Daniel Brian 18 Kelly's initials next to mine. 19 Q. And do you know who wrote 20 those initials? 21 A. Well, I it would most 22 certainly be him, that he took that 23 medication, that he was given that 24 A. Yes, sir, I do. That was 5 policy and procedure that the 6 officer sign that they gave the 7 medicine, they observed the immate 14 taking the medicine, and the immate 15 taking the medicine, and the immate 16 taking the medicine, and the immate 17 to know, there are a set of 18 policy and procedure that the 19 Q. Now, there are a set of 12 jail requests forms. If you will 13 turn to tose in there, that 14 section, I'd like to go over those 15 with you. 16 MS. MCDONALD: They're 17 scattered out throughout this 18 they're not in any order, so 19 MR. STOCKHAM: Well 10 Now, there are a set of 12 jail requests forms. If you will 13 turn to toose in there, that 14 section, I'd like to go over those 15 with you. 16 carried with replease. 17 forms. 18 kelly's intiels next (on the with the min the cell 19 de al together, her's are not, so 8 bear with her, please. 9 MR. STOCKHAM: No problem. 10 Q. (By Mr. Stockham) lhave 11 a series of them I waited to ask 12 you about. 11 a series of them I wanted to ask 12 you about. 13 I'm looking at one that 14 first of all, what are these forms? 14 heary with her, please. 9 MR. STOCKHAM: No problem. 16 Look of the look of them I make (in the first of all, what are these forms? 17 forms. 18 (Q. And what is the how do 19 they fet these forms? 19 Q. And what is the how do 19 they fet the min the cell 20 forms available to them in th		81
2 corrections officer with the 3 sheriff's department for a period 4 of time. 5 Q. No longer? 6 A. No, sir. It appears, 7 however, that that's a K. So I'm 8 not 9 Q. Do you know who that would 10 be? 11 A. No, sir, there were 12 several officers that came and went 13 through the sheriff's department 14 during my time there. 15 Q. And who is 16 A. Yeah, I'm sorry. We're 17 looking at that's Daniel Brian 18 Kelly's initials next to mine. 19 Q. And do you know who wrote 20 those initials? 21 A. Well, I it would most 22 certainly be him, that he took that 23 medication, that he was given that 24 A. Yes, sir, I do. That was 25 policy and procedure that the 26 officer signt that they gave the 27 medication, the medicine, and the inmate 28 taking the medicine, and the inmate 29 was to sign that he did in fact 29 receive the medication. 20 Now, there are a set of 21 jail requests forms. If you will 21 turn to those in there, that 22 self-and the eracy in the only copy I have is 23 that is the only copy I have is 24 this right here (indicating). 25 have isthe only copy I have is 26 thus if only is if there (indicating). 26 MR. STOCKHAMI. No problem. Q. (By Mr. Stockham) I have 27 a series of them I wanted to ask 28 you about. 29 us obout. 20 (By Mr. Stockham) I have 21 a series of them I wanted to ask 29 you about. 21 first of all, what are these forms? 20 A. They there are some 21 forms available to them in the cell 22 block or they may request one from 23 a corrections officer. 84 1 Q. And what is the how do 19 they re titled, Inmate Request 10 forms available to them in the cell 22 block or they may request one from 20 at manufact are the purpose 20 of these forms? A. We do. However, if an 21 inmate wants to do an official 22 writter request they may. Officers 23 a corrections officer. 24 A. We do. However, if an 25 inmate wants to do an official 26 writter request they may. Officers 27 a manufact are the purpose 28 of these forms? A. We do. However, if an 29 inmate wants to do an official	1 A. Dana Harris was a	i
a sheriffs department for a period 4 of time. 5 Q. No longer? 6 A. No, sir. It appears, 7 however, that that's a K. So I'm 8 not — 9 Q. Do you know who that would 10 be? 11 A. No, sir, there were 12 several officers that came and went 13 through the sheriff's department 14 during my time there. 15 Q. And who is — 16 A. Yeah, I'm sorry. We're 17 looking at — that's Daniel Brian 18 Kelly's initials next to mine. 19 Q. And do you know who wrote 20 those initials? 21 A. Well, I — it would most 22 certainly be him, that he took that 23 medication, that he was given that 24 medication. 2 Q. Do you think that he wrote 3 that? 4 A. Yes, sir, I do. That was 5 policy and procedure that the 6 officer sign that they gave the 7 medicine, they observed the immate 8 taking the medicine, and the immate 9 was to sign that he did in fact 10 Q. Now, there are a set of 11 jail requests forms. If you will 12 turn to those in there, that 13 turn to those in there, that 14 section, I'd like to go over those 15 with you. 16 MS. MCDONALD: They're 17 scattered out throughout this — 18 theyre not in any order, so — 19 MR. STOCKHAM: Well — 19 MS. MCDONALD: They're 19 MR. STOCKHAM: Well — 10 MS. MCDONALD: They're 10 MS. MCDONALD: They're 11 in A. No, sir, there were 12 several officers at the colical to a sk 12 you about. 13 time of all together, her's are not, so 14 in sirght here (indicating.) 15 That's why — 16 MS. MCDONALD: Yours may 16 MS. MCDONALD: They're 17 in looking at one that — 18 time of all, what are these forms? 19 A. These are simply as 10 they retited, Inmate Request 11 forms available to them in the cell 22 block or they may request one from 22 of these forms? 24 A. Yes, sir, I do. That was 25 policy and procedure that the 26 officer sign that they gave the 27 medication. 28 Q. Do you won't respond to an immate wants to do an official written request they may. Officers 18 in a series of them I wanted to ask 12 you about. 16	2 corrections officer with the	hear you, I hear you, and the
4 of time. 5 Q. No longer? 6 A. No, sir. It appears, 7 however, that that's a K. So I'm 8 not — 9 Q. Do you know who that would 10 be? 11 A. No, sir, there were 12 several officers that came and went 13 through the sheriff's department 14 during my time there. 15 Q. And who is — 16 A. Yeah, I'm sorry. We're 17 looking at — that's Daniel Brian 18 Kelly's initials next to mine. 19 Q. And do you know who wrote 20 those initials? 21 A. Well, I — it would most 22 certainly be him, that he took that 23 medication, that he was given that 24 A. Yes, sir, I do. That was 25 policy and procedure that the 26 officer sign that they gave the 27 medication, the medicine, and the inmate 28 taking the medicine, and the inmate 29 taking the re(indicating). 3 have is — the only copy I have is 4 this right here (indicating). 4 beal together, her's are not, so bear with her, please. 9 MR. STOCKHAM: No problem. 10 Q. (By Mr. Stockham) I have 11 a series of them I wanted to ask 12 you about. 13 I'm looking at one that — 14 first of all, what are these forms? 15 A. These are simply as 16 they're titled, Inmate Request 17 forms. 18 Q. And what is the — how do 19 they're titled, Inmate Request 19 G. And what is the — how do 19 they're titled, Inmate Request 10 forms available to them in the cell 21 block or they may request one from 22 of these forms? 23 a corrections officer. 84 1 Q. And what are the purpose 24 of these forms? 25 of these forms? 26 A. We do. However, if an inmate without him filling out one 27 of these forms? 28 A. We do. However, if an inmate wants to do an official 29 written request they may. Officers 20 and the inmate and the officer beat 21 immate wants to do an official 22 written request they may. Officers 23 are not always available to speak 24 im refer and the imate the self to the propose of these forms? 25 of these forms? 26 A. We do. However, if an inmate written request they may. Officers 27 A. We do. However, if an inmate written request they may. Officers 28 A. We do. However, if an inmate written re	3 sheriff's department for a period	i and office copy that i
5 Q. No longer? 6 A. No, sir. It appears, 7 however, that that's a K. So I'm 8 not — 9 Q. Do you know who that would 10 be? 11 A. No, sir, there were 12 several officers that came and went 13 through the sheriff's department 14 during my time there. 15 Q. And who is — 16 A. Yeah, I'm sorry. We're 17 looking at — that's Daniel Brian 18 Kellys initials next to mine. 19 Q. And do you know who wrote 20 those initials? 21 A. Well, I — it would most 22 certainly be him, that he took that 23 medication, that he was given that 82 medication. 2 Q. Do you think that he wrote 3 that? 4 A. Yes, sir, I do. That was 5 policy and procedure that the 6 officer sign that they gave the 6 medicine, they observed the immate 8 taking the medicine, and the immate 9 was to sign that he did in fact 10 Q. Now, there are a set of 11 jail requests forms. If you will 12 jail requests forms. If you will 13 turn to those in there, that 14 section, I'd like to go over those 15 with you. 16 MS. MCDONALD: They're 17 scattered out throughout this — 18 tellying you they're not in order, so 19 MR. STOCKHAM: Well — 19 MR. STOCKHAM: Well — 10 (By Mr. STOCKHAM: No problem. 10 Q. (By Mr. STOCKHAM: No problem. 11 a series of them I wanted to ask 12 you about. 13 I'm looking at one that — 14 first of all, what are these forms? 15 A. These are simply as 16 they're tiled, Inmate rese some 16 forms available to them in the cell 22 block or they may request one from 23 a corrections officer. 82 8 beal wither, please. 9 MR. STOCKHAM: No problem. 10 Q. (By Mr. STOCKHAM: No problem. 11 a series of them I wanted to ask 12 you about. 13 I'm looking at one that — 14 first of all, what are these forms? 15 A. These are simply as 16 they're tiled, Inmate rese some 16 they re tiled, Inmate hese forms? 18 Q. And what is the — how do 19 they get these forms? 20 A. They — there are some 21 forms available to them in the cell 22 block or the may request one from 23 a corrections officer. 82 84 1 Q. And what are the purpose 2 of these forms? 3 A. For communication b		3 have is the only copy I have is
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MS. MCDONALD: They're 17 scattered out throughout this 18 they're not in any order, so 19 MR. STOCKHAM: Well 20 MS. MCDONALD: I'm just 21 telling you they're not in order, 22 so she can't just go to 23 MR. STOCKHAM: Well 24 telling you they're not in order, 25 so she can't just go to 26 doorway with fifteen inmates. We 27 open cell block doors when 28 necessary to serve meals, to give	I would be a second of the sec	14 have to understand, when a cell
17 scattered out throughout this 18 they're not in any order, so 19 MR. STOCKHAM: Well 20 MS. MCDONALD: I'm just 21 telling you they're not in order, 22 so she can't just go to 23 MP. STOCKHAM: XI	la c	15 block door is open you
they're not in any order, so 19 MR. STOCKHAM: Well 20 MS. MCDONALD: I'm just 21 telling you they're not in order, 22 so she can't just go to 23 MR. STOCKHAM: Well 24 telling you they're not in order, 25 no she can't just go to 26 they're not in any order, so 27 telling you they're not in order, 28 they're not in any order, so 29 ti is not the officer's 19 ti is not in the officer's best 19 safety interest to stand in an open 20 doorway with fifteen inmates. We 21 open cell block doors when 22 necessary to serve meals, to give	I MONTH THEY TE	16 automatically have a security
18 it is not in the officer's best 19 MR. STOCKHAM: Well 20 MS. MCDONALD: I'm just 21 telling you they're not in order, 22 so she can't just go to 23 MP. STOCKHAM: Well 24 telling you they're not in order, 25 necessary to serve meals, to give	I amoughout tills ==	17 breach. It is not the officer's
MR. STOCKHAM: Well MS. MCDONALD: I'm just telling you they're not in order, so she can't just go to MR. STOCKHAM: Well telling you they're not in order, necessary to serve meals, to give	10 Mot M any Older, 50	18 it is not in the officer's hest
21 telling you they're not in order, 22 so she can't just go to 23 MP STOCKHANG NO.	THE BIOCITIANI, WEIL	
telling you they're not in order, 22 so she can't just go to 23 MP STOCKHANG YELLOW	MS. MCDONALD: I'm just	
22 so she can't just go to 23 MP STOCKHAN TO STOCK AND STOCKHAN TO STOCK AND STOCK	21 telling you they're not in order.	and the state of t
23 MD CTOCKITALS 1 22 necessary to serve means, to give	22 so she can't just go to	- P COOK GOOLS WILCH
medications, to pass out razors, to	23 MR. STOCKHAM: I know I	and the serve means, to give
	Table 1 Kilow, 1	23 medications, to pass out razors, to

21 (Pages 81 to 84)

1310 32nd Street S.

pass out laundry and so forth. But	85	;
2 those periods of time are minimal,	1 purpose of you writing the	
3 they're for a specific purpose, and	2 response?	
4 the inmates have access to an	A. I wrote the response to	
5 intercom system that goes directly	4 justify the answer to his request.	
The state of the s	5 He had already been seen by a	
6 to the tower. So a written request 7 would be an assurance for an inmate	6 doctor for that and, you know, it	
" out of all assurance for all infinate	7 one of Mr. Kelly's problems as I	
Todaest would not be	8 remember was that he had an	
Bessell of Overlooked.	9 addiction to prescription	
7. I'm looking at one that is	10 medication. He was asking	
at the obtain you date it.	11 essentially for pain medication.	
I SILVE TO SILVE SILVE TO SILVE TO SILV	12 He wanted to see another doctor in	
THE IT TOOKS TIKE.	13 hopes of getting additional pain	
MS. MCDONALD: Here it is	14 medication. I felt that he had	
15 (indicating).	15 been to a doctor. That doctor had	
16 THE WITNESS: Okay.	16 done, through his training and	
1 / Q. I'm going to mark it as	17 knowledge, what needed to be done	
18 the next Exhibit.	18 to bring Mr. Kelly some relief, and	
19 (Whereupon, Plaintiff's	19 anything in addition to that was	
20 Exhibit Three	20 not necessary.	
21 was marked for	21 Q. So that was just a	
22 identification.)	2. So mat was just a	
Q. This is a appears to be	22 decision that you made without 23 consulting a doctor?	
	86	88
1 a medical request that's dated,	1 A. No. sir. that was a	00
2 10-13-03. He wasn't in the jail on	1 A. No, sir, that was a 2 decision I made after consulting a	
3 10-13-03, was he?	1 2 decision i made after consulting a	
- 10-13-03, was ne!	3 doctor	
4 A. I don't know.	3 doctor.	
4 A. I don't know.	3 doctor. 4 Q. Which doctor did you	
4 A. I don't know. 5 Q. Well, the intake form that	3 doctor. 4 Q. Which doctor did you 5 consult?	
4 A. I don't know. 5 Q. Well, the intake form that 6 we looked at indicates that he was	 3 doctor. 4 Q. Which doctor did you 5 consult? 6 A. That would be Dr. James. 	
4 A. I don't know. 5 Q. Well, the intake form that 6 we looked at indicates that he was 7 in the jail on November	 3 doctor. 4 Q. Which doctor did you 5 consult? 6 A. That would be Dr. James. 7 Q. So you consulted Dr. James 	
4 A. I don't know. 5 Q. Well, the intake form that 6 we looked at indicates that he was 7 in the jail on November 8 A. Mr. Kelly was in our jail	 3 doctor. 4 Q. Which doctor did you 5 consult? 6 A. That would be Dr. James. 7 Q. So you consulted Dr. James 8 after Dr. James had injected him 	
4 A. I don't know. 5 Q. Well, the intake form that 6 we looked at indicates that he was 7 in the jail on November 8 A. Mr. Kelly was in our jail 9 quite frequently. So for me to,	3 doctor. 4 Q. Which doctor did you 5 consult? 6 A. That would be Dr. James. 7 Q. So you consulted Dr. James 8 after Dr. James had injected him 9 with	
A. I don't know. Q. Well, the intake form that we looked at indicates that he was in the jail on November A. Mr. Kelly was in our jail quite frequently. So for me to, from memory, state when he was or	3 doctor. 4 Q. Which doctor did you 5 consult? 6 A. That would be Dr. James. 7 Q. So you consulted Dr. James 8 after Dr. James had injected him 9 with 10 A. Apparently, if I wrote	
A. I don't know. Q. Well, the intake form that we looked at indicates that he was in the jail on November A. Mr. Kelly was in our jail quite frequently. So for me to, from memory, state when he was or was not I could not do.	3 doctor. 4 Q. Which doctor did you 5 consult? 6 A. That would be Dr. James. 7 Q. So you consulted Dr. James 8 after Dr. James had injected him 9 with 10 A. Apparently, if I wrote 11 that, I had knowledge that he had	
A. I don't know. Q. Well, the intake form that we looked at indicates that he was in the jail on November A. Mr. Kelly was in our jail quite frequently. So for me to, from memory, state when he was or was not I could not do. Q. Now, looking at this it	3 doctor. 4 Q. Which doctor did you 5 consult? 6 A. That would be Dr. James. 7 Q. So you consulted Dr. James 8 after Dr. James had injected him 9 with 10 A. Apparently, if I wrote 11 that, I had knowledge that he had 12 had recent treatment for that	
A. I don't know. Q. Well, the intake form that we looked at indicates that he was in the jail on November A. Mr. Kelly was in our jail quite frequently. So for me to, from memory, state when he was or was not I could not do. Q. Now, looking at this it says, need to see a real doctor for	3 doctor. 4 Q. Which doctor did you 5 consult? 6 A. That would be Dr. James. 7 Q. So you consulted Dr. James 8 after Dr. James had injected him 9 with 10 A. Apparently, if I wrote 11 that, I had knowledge that he had 12 had recent treatment for that 13 injury. And I'm certainly not a	
A. I don't know. Q. Well, the intake form that we looked at indicates that he was in the jail on November A. Mr. Kelly was in our jail quite frequently. So for me to, from memory, state when he was or was not I could not do. Q. Now, looking at this it says, need to see a real doctor for right arm rotor "cuff" is tore, in	3 doctor. 4 Q. Which doctor did you 5 consult? 6 A. That would be Dr. James. 7 Q. So you consulted Dr. James 8 after Dr. James had injected him 9 with 10 A. Apparently, if I wrote 11 that, I had knowledge that he had 12 had recent treatment for that 13 injury. And I'm certainly not a 14 doctor. I'm not a nurse. I'm	
A. I don't know. Q. Well, the intake form that we looked at indicates that he was in the jail on November A. Mr. Kelly was in our jail quite frequently. So for me to, from memory, state when he was or was not I could not do. Q. Now, looking at this it says, need to see a real doctor for right arm rotor "cuff" is tore, in pain twenty-four seven. And you	3 doctor. 4 Q. Which doctor did you 5 consult? 6 A. That would be Dr. James. 7 Q. So you consulted Dr. James 8 after Dr. James had injected him 9 with 10 A. Apparently, if I wrote 11 that, I had knowledge that he had 12 had recent treatment for that 13 injury. And I'm certainly not a 14 doctor. I'm not a nurse. I'm 15 looking at an inmate medical	
A. I don't know. Q. Well, the intake form that we looked at indicates that he was in the jail on November A. Mr. Kelly was in our jail quite frequently. So for me to, from memory, state when he was or was not I could not do. Q. Now, looking at this it says, need to see a real doctor for right arm rotor "cuff" is tore, in pain twenty-four seven. And you wrote the response on the bottom;	3 doctor. 4 Q. Which doctor did you 5 consult? 6 A. That would be Dr. James. 7 Q. So you consulted Dr. James 8 after Dr. James had injected him 9 with 10 A. Apparently, if I wrote 11 that, I had knowledge that he had 12 had recent treatment for that 13 injury. And I'm certainly not a 14 doctor. I'm not a nurse. I'm 15 looking at an inmate medical	
A. I don't know. Q. Well, the intake form that we looked at indicates that he was in the jail on November A. Mr. Kelly was in our jail quite frequently. So for me to, from memory, state when he was or was not I could not do. Q. Now, looking at this it says, need to see a real doctor for right arm rotor "cuff" is tore, in pain twenty-four seven. And you wrote the response on the bottom; is that right?	3 doctor. 4 Q. Which doctor did you 5 consult? 6 A. That would be Dr. James. 7 Q. So you consulted Dr. James 8 after Dr. James had injected him 9 with 10 A. Apparently, if I wrote 11 that, I had knowledge that he had 12 had recent treatment for that 13 injury. And I'm certainly not a 14 doctor. I'm not a nurse. I'm 15 looking at an inmate medical 16 summary where he was taken to	
A. I don't know. Q. Well, the intake form that we looked at indicates that he was in the jail on November A. Mr. Kelly was in our jail quite frequently. So for me to, from memory, state when he was or was not I could not do. Q. Now, looking at this it says, need to see a real doctor for right arm rotor "cuff" is tore, in pain twenty-four seven. And you wrote the response on the bottom; is that right? A. Yes, sir.	3 doctor. 4 Q. Which doctor did you 5 consult? 6 A. That would be Dr. James. 7 Q. So you consulted Dr. James 8 after Dr. James had injected him 9 with 10 A. Apparently, if I wrote 11 that, I had knowledge that he had 12 had recent treatment for that 13 injury. And I'm certainly not a 14 doctor. I'm not a nurse. I'm 15 looking at an inmate medical 16 summary where he was taken to 17 Pri-care for that medical	
A. I don't know. Q. Well, the intake form that we looked at indicates that he was in the jail on November A. Mr. Kelly was in our jail quite frequently. So for me to, from memory, state when he was or was not I could not do. Q. Now, looking at this it says, need to see a real doctor for right arm rotor "cuff" is tore, in pain twenty-four seven. And you wrote the response on the bottom; is that right? A. Yes, sir. Q. Why did you write the	3 doctor. 4 Q. Which doctor did you 5 consult? 6 A. That would be Dr. James. 7 Q. So you consulted Dr. James 8 after Dr. James had injected him 9 with 10 A. Apparently, if I wrote 11 that, I had knowledge that he had 12 had recent treatment for that 13 injury. And I'm certainly not a 14 doctor. I'm not a nurse. I'm 15 looking at an inmate medical 16 summary where he was taken to 17 Pri-care for that medical 18 treatment. If a doctor who is	
A. I don't know. Q. Well, the intake form that we looked at indicates that he was in the jail on November A. Mr. Kelly was in our jail quite frequently. So for me to, from memory, state when he was or was not I could not do. Q. Now, looking at this it says, need to see a real doctor for right arm rotor "cuff" is tore, in pain twenty-four seven. And you wrote the response on the bottom; is that right? A. Yes, sir. Q. Why did you write the response on this form?	3 doctor. 4 Q. Which doctor did you 5 consult? 6 A. That would be Dr. James. 7 Q. So you consulted Dr. James 8 after Dr. James had injected him 9 with 10 A. Apparently, if I wrote 11 that, I had knowledge that he had 12 had recent treatment for that 13 injury. And I'm certainly not a 14 doctor. I'm not a nurse. I'm 15 looking at an inmate medical 16 summary where he was taken to 17 Pri-care for that medical 18 treatment. If a doctor who is 19 trained and certified says that	
A. I don't know. Q. Well, the intake form that we looked at indicates that he was in the jail on November A. Mr. Kelly was in our jail quite frequently. So for me to, from memory, state when he was or was not I could not do. Q. Now, looking at this it says, need to see a real doctor for right arm rotor "cuff" is tore, in pain twenty-four seven. And you wrote the response on the bottom; is that right? A. Yes, sir. Q. Why did you write the response on this form? A. I would assume that that	doctor. Q. Which doctor did you consult? A. That would be Dr. James. Q. So you consulted Dr. James after Dr. James had injected him with A. Apparently, if I wrote that, I had knowledge that he had had recent treatment for that injury. And I'm certainly not a doctor. I'm not a nurse. I'm looking at an inmate medical summary where he was taken to Pri-care for that medical treatment. If a doctor who is trained and certified says that this is the treatment for this	
A. I don't know. Q. Well, the intake form that we looked at indicates that he was in the jail on November A. Mr. Kelly was in our jail quite frequently. So for me to, from memory, state when he was or was not I could not do. Q. Now, looking at this it says, need to see a real doctor for right arm rotor "cuff" is tore, in pain twenty-four seven. And you wrote the response on the bottom; is that right? A. Yes, sir. Q. Why did you write the response on this form?	3 doctor. 4 Q. Which doctor did you 5 consult? 6 A. That would be Dr. James. 7 Q. So you consulted Dr. James 8 after Dr. James had injected him 9 with 10 A. Apparently, if I wrote 11 that, I had knowledge that he had 12 had recent treatment for that 13 injury. And I'm certainly not a 14 doctor. I'm not a nurse. I'm 15 looking at an inmate medical 16 summary where he was taken to 17 Pri-care for that medical 18 treatment. If a doctor who is 19 trained and certified says that	

22 (Pages 85 to 88)

1310 32nd Street S.

1 Q. Now, you say you were looking at an entry that he had been taken to Pri-care? 4 A. Yes, sir. 5 Q. Which — is this the entry that you're talking about (indicating)? 8 A. No, sir. 9 Q. Okay. You're looking at a summary that you did — 11 A. Back in November. 12 Q. — immate medical summary? 13 MS. MCDONALD: If that's 14 the same date, 12-11, that should 15 be the same. It should be in the 16 file. 16 file. 17 MR. STOCKHAM: Mark this 18 as the next — 19 (Whereupon, Plaintiff's 19 (Whereupon, Plaintiff's 20 Exhibit Four 21 was marked for 22 identification.) 23 Q. Looking at Exhibit Four — 20 if you'd look at that record. 24 A. Yes, sir. It would be in the was taken to the doctor on 12-11-03? 25 (Whereupon, an off-the-record 9 discussion was held.) 26 A. Yes, sir. It would be in reference to this particular 20 doctor's visit. 27 (Whereupon, an off-the-record 9 discussion was held.) 28 A. Yes, sir. It would be in reference to this particular 20 doctor's visit. 39 (Whereupon, an off-the-record 9 discussion was held.) 40 A. Yes, sir. It would be in reference to this particular 20 doctor's visit. 41 Q. (By Mr. Stockham) So your response was — after held come back and he said he was hurting, you said that the doctor had 17 already treated him? 42 A. Yes, sir. And my position on that is when I go to the dentist 20 for a toothache and he prescribes 20 me medication, and my tooth still 21 mm endectation, and my tooth still 22 thurts, some of it I just have to 22 thim to see another doctor, and the said he was hurting, you said that the doctor had 11 and they did 21 put a warp on it. She also advised 11 the noted to go see Dr. James. She also advised 11 that the obtor and 12 that the doctor had 12 that the doctor had 12 that warp on it. She also advised 12 thim to take Tylenol for any pain.	Г			The state of the s
looking at an entry that he had been taken to Pri-care? 4 A. Yes, sir. 5 Q. Which — is this the entry that you're talking about (7 (indicating)? 8 A. No, sir. 9 Q. Okay. You're looking at a summary that you did — 11 A. Back in November. 12 Q. — inmate medical summary? 13 MS. MCDONALD: If that's the same date, 12-11, that should 15 be the same. It should be in the 16 file. 17 MR. STOCKHAM: Mark this as the next — 19 (Whereupon, Plaintiff's 12 was marked for 22 identification.) 23 Q. Looking at Exhibit Four — 19 if you'd look at that record. 2 A. Yes, sir. 3 Q. Is the entry that you've written here on 12-15 related to when he was taken to the doctor on 12-11-03? 7 (Whereupon, an 6ff-the-record discussion was held.) A. Yes, sir. It would be in reference to this particular doctor's visit. Q. (By Mr. Stockham) So your response was — after he'd come back and he said he was hurting, you said that the doctor had already treated him? A. Yes, sir. And my position on that is when Ig to the dentist on the doctor had already treated him? A. Yes, sir. And my position on that is when Ig to the dentist of not advise immate Brian Kelly that here coded to go see Dr. James treated him medications that I do not actually need or would be adverse in the recuperation process. 5 hopefully not going give me medications that I do not actually need or would be adverse in the recuperation process. 5 So if Dr. James treated him and gave him cortisone shots in each shoulder for what he was suffering, then as I had to present a the doctor knew that he was doing 2 and certainly knew more as far as 13 Mr. Kelly sheath to verall than — in his good judgment than Mr. Kelly 16 did. 6 Q. But Mr. Kelly was telling 20 he was still hurting; 20 he was still hurting; 21 he was still hurting; 22 him to see another doctor, did you? 1 if you'd look at that record. 2 have been glad to have given him 12 him to see another doctor, did you? 2			89	91
2 Rooking at an entry that he had 3 been taken to Pri-care? 4 A. Yes, sir. 1 A. No, sir. 2 C. No which — is this the entry 4 A. Yes, sir. 1		C - 10 m, you out you work		1 going to overmedicate me and he's
seen taken to Pri-care? 4 A. Yes, sir. 5 Q. Which — is this the entry that you're talking about (indicating)? 8 A. No, sir. 9 Q. Okay. You're looking at a summary that you did — 11 A. Back in November. 10 summary that you did — 12 Q. — inmate medical summary? 11 A. Back in November. 12 Q. — inmate medical summary? 13 MS. MCDONALD: If that's the same date, 12-11, that should be the same. It should be in the file. 16 file. 17 MR. STOCKHAM: Mark this as the next — 19 (Whereupon, Plaintiff's 20 Exhibit Four 21 was marked for identification.) 21 was marked for 22 identification.) 22 Q. But Mr. Kelly was telling you after he had been to the doctor 18 he was still hurting? 19 A. Yes, sir. And we would have been glad to have given him when he was taken to the doctor on 6 identification.) 10 A. Yes, sir. It would be in reference to this particular doctor's visit. 11 Q. (By Mr. Stockham) So your response was — after he'd come back and he said he was hurting, you said that the doctor had already treated him? 18 A. No, sir. 29 Q. Diaty was marked for identification.) 20 Exhibit Four 21 Illuprofen. 21 Illuprofen. 22 Q. But you didn't schedule 23 him to see another doctor, did you? 23 Exhibit Five was marked for identification.) 24 A. Yes, sir. It would be in reference to this particular doctor's visit. 29 Q. By Mr. Stockham) So your response was — after he'd come back and he said he was hurting, you said that the doctor had already treated him? 11 A. Back in November. 12 doctor wwas held.) 25 A. Yes, sir. It would be in reference to this particular doctor's visit. 29 Q. By Mr. Stockham) So your response was — after he'd come back and he said he was hurting, you said that the doctor had already treated him? 29 A. Yes, sir. In would be in reference to this particular doctor's visit. 20 (By Mr. Stockham) So your response was — after he'd come have in the record. A. Yes, sir. In would be in reference to this particular doctor's visit. 30 (By Mr. Stockham) So your response was — after he'd come have	- 1	O ville ville into india	1	2 hopefully not going give me
1 A. Yes, sir. Whereupon, an off-the-record discussion was held.) 2 A. Yes, sir. I would be in reference to this particular doctor's visit. 3 C. (By Mr. Stockham) So your response was after he'd come back and he said he was hurting, you sou that when I go to the dentist of ra toothache and he prescribes and rot ago with a first and wish and and are addy treated him? 3 A. Yes, sir. And my position on that its when I go to the dentist of ra toothache and he prescribes and rot age value for a very significant of the standard and response was after he'd come on that its when I go to the dentist of ra toothache and he prescribes me medication, and my tooth still 20 hurts, some of it I just have to 4 Pres, sir. 4 need or would be adverse in the recuperation process. So if Dr. James treated him and gave him cortisone shots in each shoulder for what he was suffering, then as I had to presume, not being a doctor, that the choctor what he was doing and certainly knew more as far as suffering, then as I had to presume, not being a doctor, that the choctor what he was doing and certainly knew more as far as suffering, then as I had to presume, not being a doctor, that the choctor what he was doing and certainly knew more as far as suffering, then as I had to presume, not being a doctor, that the choctor what he was doing and certainly knew more as far as suffering, then as I had to presume, not being a doctor, that the choctor what he was doing and certainly knew more as far as suffering, then as I had to presume, not being a doctor, that the doctor knew stall was a suffering, then as I had to presume, not being a doctor, that in the doctor what he was suffering, then as I had to presume, not being a doctor, that in the doctor knew stall was a disciplant. The spouseme, not being a doctor, that in the doctor what he was doing and certainly knew more as far as suffering, then as I had to presume, not being a doctor, that in the doctor what he was doting and certainly knew more what he was doing and certainly knew more		to 111 ourc.	1	3 medications that I do not actually
for that you're talking about (indicating)? 8	ł	1 00, 011.	- 1	4 need or would be adverse in the
that you're talking about (indicating)? A. No, sir. Q. Okay, You're looking at a summary that you did A. Back in November. A. Back in November. MS. MCDONALD: If that's the same date, 12-11, that should be the same. It should be in the file. MR. STOCKHAM: Mark this as the next Whereupon, Plaintiff's 19 (Whereupon, Plaintiff's 20 Exhibit Four 21 was marked for 221 was marked for 221 was marked for 221 was marked for 221 was marked for 222 identification.) A. Yes, sir. And we would him to see another doctor, did you? 1 if you'd look at that record. A. Yes, sir. It would be in reference to this particular doctor's visit. Q. (By Mr. Stockham) So your response was after he'd come on that is when I go to the dentist of a davise of a davise inmate Brian Kelly that 17 already treated him? A. Yes, sir. And my position on that is when I go to the dentist of a davise inmate Brian Kelly that 17 he needed to go see Dr. James She advised him that his foot was purine and gave him cortisones shots in each shoulder for what he was doing and certainly knew more as far as Mr. Kelly's health overall than 10 presume, not being a doctor, that the doctor hat him is good judgment than Mr. Kelly did. 10 Q. But Mr. Kelly was telling vou after he had been to the doctor he was still hurting? 11 A. No, sir. 12 Q. But you didn't schedule 23 him to see another doctor, did you? 1 A. No, sir. 2 (Whereupon, Plaintiff's 2 2 (Whereupon, Plaintiff's 2 3 Exhibit Five was marked for identification.) 1 A. Yes, sir. It would be in reference to this particular doctor's visit. 2 Q. (By Mr. Stockham) So your response was after he'd come bottom is what? 3 A. Well, it's not my handwriting, but it says or appears to say, Dr. Michelle Goldhagen did not advise inmate Brian Kelly that he needed to go see Dr. James. She advised him that his foot was purine advised him to take Tylenel for any pain.	-	c contract to this the chiry		
A. No, sir.		6 that you're talking about		T P
9 Q. Okay. You're looking at a 10 summary that you did 11 A. Back in November. 12 Q immate medical summary? 13 MS. MCDONALD: If that's 14 the same date, 12-11, that should be the same. It should be in the 15 be the same. It should be in the 16 file. 17 MR. STOCKHAM: Mark this 18 as the next 19 (Whereupon, Plaintiff's 20 Exhibit Four 21 was marked for identification.) 23 Q. Looking at Exhibit Four 21 if you'd look at that record. 2 A. Yes, sir. 3 Q. Is the entry that you've written here on 12-15 related to when he was taken to the doctor on 12-11-03? 7 (Whereupon, an off-the-record when he was taken to the doctor on 12-11-03? 9 (By Mr. Stockham) So your response was - after he'd come back and he said he was hurting, you said that the doctor had already treated him? 18 A. Yes, sir. It would be in reference to this particular doctor's visit. 19 Q. (By Mr. Stockham) So your already the said he was hurting, you said that the doctor had already treated him? 10 presume, not being a doctor, that the doctor knew what he was doing and certainly knew more as far as 13 Mr. Kelly shealth overall than 11 the doctor knew what he was doing and certainly knew more as far as 13 Mr. Kelly shealth overall than 12 in his good judgment than Mr. Kelly the was still hurting? 19 A. Yes, sir. And we would have been glad to have given him lbuprofen. 20 But you didn't schedule 21 him to see another doctor, did you? 22 (Whereupon, Plaintiff's and the was marked for identification.) 23 Exhibit Five was marked for identification.) 24 A. Yes, sir. It would be in reference to this particular doctor's visit. 25 Q. (By Mr. Stockham) So your response was - after he'd come 20 have been glad to have given him 1buprofen. 24 A. Yes, sir. 25 Q. But Mr. Kelly was telling 20 have been glad to have given him 1buprofen. 26 Q. Let me show you this entry of November 30th. That's a request to see Dr. James because his foot's still hurting, isn't it? 26 A. Yes, sir. And my position on that is when I go to the dentist to say, Dr. Michelle Gol		(20 11 21: Vallies troated
9 Q. Okay. You're looking at a summary that you did - 1.1 A. Back in November. 12 Qinmate medical summary? 13 MS. MCDONALD: If that's the same date, 12-11, that should be the same. It should be in the 16 file. 17 MR. STOCKHAM: Mark this as the next 19 (Whereupon, Plaintiff's 20 Exhibit Four 21 was marked for 22 identification.) 23 Q. Looking at Exhibit Four 20 If you'd look at that record. 2 A. Yes, sir. 3 Q. Is the entry that you've written here on 12-15 related to when he was taken to the doctor on 12-11-03? 4 Whereupon, an off-the-record discussion was held.) 5 When he was taken to the doctor on 12-11-03? 6 (By Mr. Stockham) So your response was - after he'd come back and he said he was hurting, you said that the doctor had already treated him? 8 A. Yes, sir. It would be in reference to this particular doctor's visit. 10 A. Yes, sir. It would be in reference to this particular already treated him? 10 A. Yes, sir. And my position on that is when I go to the dentist of for a toothache and he prescribes medication, and my tooth still 20 hurts, some of it I just have to		210, 022.		
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19 on that is when I go to the dentist 20 for a toothache and he prescribes 21 me medication, and my tooth still 22 hurts, some of it I just have to 19 sprained and that he needed to 20 elevate it at night and they did 21 put a wrap on it. She also advised 22 him to take Tylenol for any pain	18			18 advised him that his fact was
20 for a toothache and he prescribes 21 me medication, and my tooth still 22 hurts, some of it I just have to 20 elevate it at night and they did 21 put a wrap on it. She also advised 22 him to take Tylenol for any pain	19	on that is when I go to the dentist	1	The same of the sa
21 me medication, and my tooth still 22 hurts, some of it I just have to 21 put a wrap on it. She also advised 22 him to take Tylenol for any pain	20	for a toothache and he prescribes	1	1
22 hurts, some of it I just have to 22 him to take Tylenol for any pain	21	me medication, and my tooth still		and the same that the same that
22 min to take Tylenol for any pain,	22	hurts, some of it I just have to		22 him to take Tylonal for any activity
23 endure. I mean, a doctor is not 23 Q. And this entry request was	23	endure. I mean, a doctor is not		- Julian Lor any pain.
23 endure. I mean, a doctor is not 23 Q. And this entry request was	# 50 Miles			2. And this entry request was

23 (Pages 89 to 92)

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	Reporting, Inc.	
1 after he had come back and he are	93	9
The flat come back and he was	1 purpose of writing a written	
	2 response here on the bottom?	
1 00, bH,	3 A. It was a reply to the	
The state of the s	4 inmate's request. In most cases,	
I mior a request for what.	5 because of paper becoming a fire	
mo doctor, from Dr.	6 hazard in the cell blocks, we tried	
January Comments	7 to eliminate any unnecessary paper,	
8 Q. After he'd come back from	8 and in most cases the officer would	
9 the hospital and he was still	9 approach the inmate and answer them	
10 hurting, right?	10 orally. And then the request would	
11 A. I would I don't know.	11 actually be kept on file unless the	
12 MR. WILLFORD: Object to	12 inmate specifically requested a	
13 the form.	13 copy of it.	
14 Q. Now, who is that person	14 Q. Now, this that you	
15 that wrote the entry at the bottom.	, v. rion, and mat you	
16 KSH?	r - y wild out all allswel (0)	
17 A. I'm not certain.	16 was it something for the other 17 officers to review?	
18 Q. Was it Mr. Hay?	The state of the s	
19 A. Kenneth S. Hav. ves. sir	i containiy.	
Q. Who is Kenneth S. Hav?	to men it posted for them an	
A. He was a corrections	That the responses	
22 officer.		
Q. And was he just a	10 Was placed in the life.	
	Q. In dio Jan Inc.	
	94	96
1 corrections officer, or what rank	1 A. In the inmate's file.	
2 did he have?	2 Q. It wasn't posted for	
A. He was a well, his rank	3 put in a position for you or the	
4 changed over time, but	4 jail administrator or for the	
Q. In this time frame.	5 sheriff to look at?	
6 A. I'm not certain. He could	6 A. No, sir.	
have been a corporal at that time,	7 (Whereupon, Plaintiff's	
and he did a lot of transport to	8 Exhibit Six	
9 inmate visits. So I would assume		
that if he wrote this he was	was marked for	
1 present with the inmate when the	i i i i i i i i i i i i i i i i i i i	
.2 inmate was seen by Dr. Goldhagen	i de la completa del completa de la completa de la completa del completa de la completa del la completa de la completa della della completa d	
.3 Q. And you had an Mr. Hay	and the document dated	
4 was your assistant?		
5 A. Yes, sir, for a time.	1 1 00, 511, 1 111 100 Killy at	
6 Q. Now, when Mr. Hay would		State
7 write these responses on here,	i via instruction	i.
8 would be give them back to the	17 pretty much asks the same thing,	
9 inmate or what would he do with it?	18 doesn't it?	
O A. I can't say what Mr. Hay	19 A. Well, to some degree, but	
1 did.	20 I I would be surprised to know	
	21 that that Mr Kelly has medical	, i
	The real real real real real real real rea	瞳
2 Q. Well, what would he do 3 with this document? What was the	22 experience in the capacity to know that he has torn ligaments.	140

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	99
1 Q. It says, it hurts all	1 Q. I'll show you what's
2 night long; that's what it says,	2 marked as the next Exhibit, Seven.
3 isn't it?	3 That's another request to see the
4 A. Yes, sir. Well, actually	4 doctor.
5 yes, sir.	5 A. Yes, sir.
6 MS. MCDONALD: You can	6 Q. There's no response to
7 read it.	7 that one, is there?
8 Q. And the response is that	8 A. No, sir.
9 well, he didn't get to go see	9 Q. Why would there be no
10 the doctor, right?	10 response to that?
11 A. Yes, sir. And it also	
12 states that his foot had been	11 A. Well, it appears that two 12 days in a row Mr. Kelly had been
13 X-rayed and that the doctor found	in july and the state of the st
14 no damage to his foot.	The second secon
15 What I see in these	, and the second second points
16 requests is somebody that's looking	15 it became repetitive and you
17 for pain medication, that's what I	16 know, pretty much unnecessary to 17 continue responding to them. We
18 see. He's been to a doctor, the	The state of the s
19 doctor has advised us as to what	1
20 the problem is. Did it hurt or	19 fifteen inmate requests in a day
21 not? Mr. Kelly only knows that.	20 for the same thing.
22 But based on what the doctor was	21 Q. Well, he was still
23 telling us, it appears to me that	22 hurting, wasn't he?
25 tening us, it appears to me that	23 MR. WILLFORD: Object to
98	100
1 Mr. Kelly is looking for a way to	1 the form.
2 get pain medication.	2 A. I don't know if he was
3 Q. Did the doctor tell you	3 still hurting or not.
4 anything about whether or not he	4 Q. That's what he was saying,
5 should get pain medication?	5 wasn't it?
6 A. If the doctor felt that he	6 A. I see that he to me,
7 needed pain medication, the doctor	7 what I see is that he's wanting
8 would have certainly prescribed him	8 pain medication.
9 that medication. What I see in the	9 Q. It doesn't say pain
10 notes of the officers is that the	10 medication, does it? It says, the
11 doctor advised him to take Tylenol.	11 lower back and foot hurts.
12 Q. You didn't call the doctor	12 A. Yes, sir, both of which he
13 any doctor, after you received	13 had been to a doctor for.
14 this request, did you?	14 (Whereupon, Plaintiff's
15 A. I don't recall.	15 Exhibit Eight
16 Q. No entry about that, is	16 was marked for
17 there?	was marked for 17 identification.)
18 A. Without having fully	
19 looked at the file I don't know.	1
20 (Whereupon, Plaintiff's	and the second and th
21 Exhibit Seven	i and the second transfer of the second trans
22 was marked for	
23 identification.)	The state of the s
ACCIDITATION,	23 minute. I have more than one

25 (Pages 97 to 100)

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	101			103
1 marked December 3rd, so hold on.		1	the 3rd and the 8th. If he turned	
2 There are two.		2	this request in at the end of the	
3 A. Okay. On there are		3	week, then it would have been a	
4 actually two on that date and on		4	Monday before any follow-up could	
5 the second one an appointment made	I	5	have been done. But I don't know	
6 was made with Dr. James.	I	6	what the days were.	
7 Q. The one that reflects an		7	•	
8 appointment was made, what date		8	And that, of course, is	
9 does it reflect?		9	assuming that Mr. Kelly had the	
10 A. December 3rd also, same		10	correct date at the top, which	
11 day.	1	11	apparently we've realized that	
12 (Whereupon, an		12	and a second description of	
13 off-the-record			on the dates that he has placed in.	
and the record	- 1	13	(Whereupon, an	
also assisti was nord.)		14	off-the-record	
() I'm blockham) The one		15	discussion was held.)	
an icomb into that	1	16	Q. (By Mr. Stockham) Now,	
The same will appoint was	1	17	the next document that I want to	
in the second se		18	MS. MCDONALD: Wait, I've	
19 A. That was the date of the		19	got	
20 appointment, correct.		20	MR. STOCKHAM: Huh?	
Q. Okay. It doesn't indicate		21	MS. MCDONALD: I've got	
22 the time that that entry was		22	the	
23 entered, does it?	:	23	THE WITNESS: I want to	l
	102			104
1 A. No, sir. But I would		1	look into trying to establish what	
2 assume that it was on the 3rd.		2	days of the week that was	
3 Q. But it doesn't say it was,		3	concerning.	
4 does it?	- 1	4	•	
5 A. No, sir, it does not.	1	5	Okay, the 3rd would have	
6 Q. In fact, the entry on the		6	been on a Thursday. So if he	
7 Exhibit that I've given you, which	1		turned that in Thursday night	
8 is Exhibit Eight, indicates that		7	MS. MCDONALD: It's a	
		8	Wednesday.	j
9 the entry was handwritten in there 10 when?	_	9	THE WITNESS: Okay,	
i e e e e e e e e e e e e e e e e e e e			Wednesday. So and his	
	3		appointment was made for the 9th,	
			which would have been a Tuesday.	
13 A. I would have to see a		13	So if that request was received on	Í
14 calendar. If this occurred close		4	Wednesday, then I am assuming that	
15 to the weekend there would be no		. 5	the officer either made that	i
16 way to make Mr. Kelly an			appointment some time between the	
17 appointment on the weekend, which	1		3rd and the 5th, which is Wednesday	
18 may account for the space between	1		through Friday, and his appointment	
19 the actual receipt of the request	1		was for that Monday, which to me is	
20 and the actual appointment date.			a reasonable period of time.	H
Q. Between the 3rd and the		1	Q. (By Mr. Stockham) The 9th	
22 9th?			is a Tuesday.	1
23 A. Yes, sir. Well, between		3	MS. MCDONALD: It's this	
The state of the s			The state of the s	

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•		105			107
	1 one up here (indicating).		1	Q. And it indicates that Mr.	
- [2 A. That's correct.		2		
	3 Q. Okay. Now		3	J J porbormor,	
	4 MR. STOCKHAM: Mark this,		4	The second of th	
	5 please.		5		
	6 (Whereupon, Plaintiff's		6	The second second was not may	
	7 Exhibit Nine		7	A. Okay.	
- 1	8 was marked for		8	Q since his fall	
	9 identification.)		9	A. I think I can explain	
1	O Q. I'll show you what is		10	that.	
1	1 marked as Exhibit Nine. That	l	11		
1	2 reflects that an appointment was		12	£	
1	3 made for 12-11-03, right?		13	or possion, emplain it.	
1			14		
1		1		die	
1	THE STATE OF THE S		10	that he has placed on this	
$\frac{1}{1}$	j produce, oo bito carr	- 1	17	document. However, according to	
$ _{1}$		- 1	1/	the records that we the inmate	
1	(· · · · · · · · · · · · · · · · · · ·		1 V	medical summary and so forth, that	
2	assuments.)		19	this incident actually happened on	
2	uguin i would lioto	1	20		
2:	Francisco Ib u		21	Q. Mr. Kelly's note of	
2	Part apparently IVII.	1	22	12-7-03 at eleven oh seven says, I	
1	Kelly's not sure what day it is		23	want to know why when I fell and	
		106			108
1			1	hurt my back they put me in the	
2			2	holding pen but sent Teague is	
3	proceeding 11.		3	it Teague, is there an inmate named	
4	or on 12 3: Bo With		4	Teague?	
5	the inconsistencies of Mr. Kelly's		5	A. I have no idea, sir.	
6	dates, you know, I don't it's		6	Q. The black guy to the	
7	hard to know or comment on exactly		7	hospital.	
8	what he is referring to, but		8	A. I have no idea of what	
9	regarding the incident on the	1	9	reference he's making, so I can't	
10	9th		LO	comment on that.	
11	Q. Well, before you say		11	Q. Well, evidently Mr. Kelly	
12	you say that this refers to the		12	was put in the holding cell?	ĺ
13	incident that occurred on the 9th?		13	A. For observation, medical	1
14	A. On 12-9.	1	4	observation, medical	
15	Q. Then why would Mr. Hay		.5		
16	have responded to it on the 8th of		.6	Q. And this entry was	2.0
17	December?			responded to by at least in the	
18	A. I can't say. That's not		.7	place where Mr. Hay signed it, on	·
19	my handwriting.		.8	12-8-03?	Ĩ
20			.9	A. That's what I see.	
	Q. Well, the response from the jail personnel is dated the		0	Q. And below it it says,	Į.
21	LUC INII DETSODDEL 16 ASTAA THA	12	1	appointment made for insulate IV-11	8
21	Oak inda iso	1		appointment made for inmate Kelly.	
21 22 23	8th, isn't it? A. That's correct.	2	2	Do you know whose handwriting that is?	

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Г					
		109			111
	1 A. No, sir, I can't say.		1	perform for every inmate?	
	Q. Can you tell me why you		2	A. No, sir. This is	
	would have made an appointment for		3	something I perform for an inmate	
	4 Mr. Kelly for 12-11-03 on 12-8-03		4	who continually is having	
	5 if he had an appointment already		5	incidents, that is continually	
	6 scheduled for 12-9?		6	sending out requests, which	
	A. I cannot. I would assume		7	indicates to me that this may turn	
	that my record is correct when it		8	into a problem.	
9	states that this incident happened		9	Q. In fact, do you know the	
1	0 on 12-09, which would be		10		
1	1 indicate that it was after his		11	J - F - P - L - L - L - L - L - L - L - L - L	
1:	2 appointment on 12-09, which would	I	12	A. It is dated on one, 12-11,	
1:	3 indicate the need for an		13		
114	appointment on 12-11.	1		12-11. The other date is his	
19]		actual booking date that I noted.	
10	A. On the inmate medical		16	Q. My question, though, is,	
17			17		
18		1	18	summary?	
119			19	A. It would have been	
20	p.m., which would mean that his	1	20	MS. MCDONALD: This one	
21		- 1	21	(indicating)?	
22			22		
23	r think day. That		23	Q. Either one that you're	
			23	looking at. Which one are you	
		110			112
1	which would then account for		1	looking at right now?	
2	another appointment being initiated	ĺ	2	A. I am looking at this one	
3	on the 12 or the 12-11 date.	1	3	(indicating).	
4	Q. Now, the inmate medical	-	4	MR. WILLFORD: Can we do	
5	summary that you're referring to,		5	something to indicate for the	
6	who prepared that document?		6	record what it is that we're	ģ. 9.
7	A. I did.		7	talking about?	
8	Q. And why did you prepare	l	8	MR. STOCKHAM: I'm trying	
9	that document?		9	to find out which one she's talking	
10	A. As documentation on the			about so I can enter them into the	
11	incident.	- 1		record.	
12	Q. Well, now, this is not a		12	A. One is titled, inmate	
13	document of a single incident.			summary, and the other one is	
14	This has one, two, three, four			titled, inmate medical summary.	A
15	A. Yes, sir		.5	Q. (By Mr. Stockham) All	
16	Q five, six, seven.	3		right. Let's mark as Exhibit Ten	
17	A it says it's titled			the inmate summary.	
18	it's a summary of his medical		. 8	(Whereupon, Plaintiff's	
19	care while there.		9	Exhibit Ten	
20	Q. While where?		0	was marked for	
21	A. Incarcerated in the Coosa		1		
22	County jail.		2	identification.)	
23	Q. And is this something you			Q. And this is something that you wrote?	
Service States	The something you		_	you widle:	

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1 A. Yes, sir. 1 (indicating) is in regard to this	115
1 1 (malcaling) is in regard to this	
2 Q. And why did you write this 2 12-9 incident.	
1 2 10 11 000	
Q. (Dy Mi. Stockham) Well,	
1 vii. Hay certainty signed it on	
6 month in many than the	
7 time on invested in the despite	
the inconsistencies and the dates I	
o do believe to my recollection that	
10 in its involving the December 9th	
111 officers in the state of th	
Q. Could be two, though?	
I I I I I I I I I I I I I I I I I I I	
14 city disputes that may	
14 A. No recollection of two.	
Q. This Exhibit Nine says, I	
want to know why when I fell I hurt	
11/ my back and they put me in the	
10 holding pen. So, at least	į
19 according to his request, it	
20 indicates that he fell on the /th	Į.
21 Q. And he was put in the 21 and he was put in the holding pen.	ļ
22 holding cell when he returned from 22 A. Well, with no way of	
23 the hospital? 23 knowing the actual the actual	
114	116
1 A. Yes, sir. 1 date of what incident he's	110
date of what incident he's	
2 Telefring to, all I can agree to is	8
or least one fill 12.0	
Q. And what Mr. Hay has	
6 he sense of the bottom?	
A. Coffect.	Į.
(whereupon, Plaintiff's	į
Exhibit Eleven	J
was marked for	
11 dentification.)	
11 well? 12 Q. Now, I'm going to show you	
MS. MCDONALD: Object to 12 what I marked as the next Exhibit,	
113 the form. 113 which I believe is Eleven And	
14 A. This 14 that's a summary	
15 MS. MCDONALD: I think 15 A. Yes, sir.	
16 we've already established that 16 Q. Do you have that?	
17 A. I have that right here	
18 O. Who prepared that summary?	
19 A. I believe this 19 A. I did	
20 MS. MCDONALD: And this 20 O. And when did you prepare	Ž.
21 says nothing about a fall.	
22 A is in regard I 22 A. I would imagine I prepared	I
23 believe I believe that this 23 it the same time that I prepared	

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	112
1 the inmate summary.	117
,	A. Yes, sir, to have in his
Q. Well, the inmate summary 3 at least it appears to have been	2 file, for reference and, such as I
4 prepared on December 11th?	3 said, as the situation is today.
5 A. Correct.	Q. Now, noting on the 9th, it
on con	5 reflects that he was transported to
6 Q. This document, though, 7 Exhibit Eleven, reflects an entry	6 Russell Hospital. It doesn't say
8 for January 14th, 2003.	7 anything about going to Dr. James
9 A. Actually I think that's a	8 on the 9th, does it?
10 typo on my part. I think it should	A. Which document are you
11 have been January '04.	10 referring to?
12 Q. And that entry for January	Q. I'm looking at this inmate
13 '04, 2003 you have a that	12 medical summary, Exhibit Eleven.
14 certainly would not have been	13 A. Okay. 12-9, summoned for
15 something that you prepared by	14 alleged fall; transported to ER;
16 December 11th?	15 returned to jail, no injuries
17 A. No, sir. Well, after	16 substantiated by a doctor.
18 review it would indicate that this	17 And then on 12-11, two
19 document (indicating) was prepared	18 days later, he was taken to
20 sometime after this document	19 Pri-care for a medical exam.
21 (indicating). This document	Q. But prior to that, on the
22 (indicating) was prepared regarding	21 9th, when he had previously had
23 a specific incident. This	22 at least allegedly had an
a specific mordent. This	23 appointment on the 9th for going to
	120
1 (indicating) shows a a	1 Dr. James, it doesn't reflect that
2 collective chronological account of	2 he went there, does it?
3 each of the incidents and the steps	3 A. No, sir, it does not.
4 taken to resolve those incidents	4 Q. And that certainly would
5 from a period of November 23rd	5 have been something that you would
6 through January 14th of '04.	6 have wanted to put on the summary
7 Q. Now, why did you prepare	7 if he had in fact gone to Dr. James
8 this document, Exhibit Eleven, from	8 on the 9th
9 the 23rd through January 14th?	9 MS. MCDONALD: Object to
A. Because of Mr. Kelly's	10 the form.
1 parents, their continual activity	11 Q. You can answer.
2 and and accusations. They were	12 A. I don't know. Without
3 claiming that we weren't doing	13 looking at actual jail sheriff's
4 anything to help Mr. Kelly during	14 department medical receipts as to
5 his incarceration. This is the	15 payment for when Mr. Kelly was seen
6 result of something that I was	16 by the doctor I cannot actually
7 taught in jail management school,	17 substantiate when his doctors'
8 to document every incident,	18 appointments were actually visited
9 document everything you do for just	19 by him. However, for whatever
usuch a situation as we're in today.	20 reason, on 12-9, it was important
1 Q. And you documented it to	21 to me at that time that I state
2 put it in his file or for what	22 that EMS was summoned and that he
3 other reason?	23 was transported to the hospital for
	1 was regrobored to the Hoshigi for

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г				
		.21		123
	1 the injuries that he claimed he		alleged seizure.	
-	2 had.		A. Alleged.	
	3 I would also note that I		Q. When you say, brought up	
	4 also included the fact that no	4	front, do you mean put him in the	
	5 injury substantiated by a doctor.		hole?	
	6 Q. Now, you didn't ask for	6	A. Brought them up	
1	7 Mr. Kelly to be evaluated for	7	MS. MCDONALD: Object to	
	8 seizures when you had him	8		
	9 transported, did you?	9	A to the observation	
	O A. If I recall, when Mr.	10	MS. MCDONALD: Wait a	
	1 Kelly prior to Mr. Kelly coming	1:		
	2 into the jail he had no seizure	12	The state of the s	
	3 history other than what he claimed	13	you going to refer to it what as	
	4 he had. We could not substantiate	14	what the inmates refer to it as or	
	5 through any doctor that he was	15	the state of the s	
1	6 being treated for seizures. And 7 therefore unless I witness a	116	100 dotdaily a holding	Î
	With the state of	17	to the same and the same and the same	
$\begin{vmatrix} 1 \\ 1 \end{vmatrix}$	or a mayo documentation	18	- Contract of Supervisor	
	many control and minate mas	19	at all times for any any falls,	A SUPERIOR OF THE PROPERTY OF
12	0 seizures and is being treated for	20	J Tonding to Marko	200
2:	to debuille that the	21	gestures to the camera that he is	
	- coming ino un	22		i
2:	3 untruth, or he is experiencing a	23	forth.	STEEL STEEL
	12	2	1	124
1		1	Q. (By Mr. Stockham) Now,	
2	been diagnosed by a doctor. But	2	the first note that you have here	ı
3	until I witness that incident, or	3	about his needing a seizure was	
4	an officer witnesses that incident,	4	11-27, right?	ı
5	then it is basically, he says he	5	A. Yes, sir.	
6	has this, without any proof.	6	Q. But it shows that he had a	
7	Q. Well, look up on Exhibit	7	fall back on 11-23?	I
8	Eleven, again, on the 11-27-03	8	A. Correct.	
9	incident.	9	Q. But as of	
10	A. Okay. Wait just a minute.	10	MS. MCDONALD: Object to	
11	We've got exhibits scattered	11	the form. Actually it says an	
12	everywhere.	12	alleged fall and an alleged	
13	Q. No, this is this, your	13	seizure. Let's if we're going	
14	inmate medical summary.	14	to put it in here, let's put it in	
15	A. Oh, okay.	15	accurately as to what it states.	
16	MS. MCDONALD: Hers is not	16	A. And when it says, alleged,	
17	marked, so she doesn't know which	17	that is my indication that no	
18	one you're referring to when you	18	officer witnessed his fall, alleged	
19	say, 11.	19	fall, and no inmate witnessed his	
20	MR. STOCKHAM: I'm	20	alleged fall. He said he fell.	
21	referring to it for the record.	21	Q. Well, in fact, the	
22	Q. It says, brought up front	22	documentation reflects that he had	
23	for medical observation following	1	reported seizures when he checked	

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•		125	127
	l into the jail?		1 recess was taken in
	A. Certainly, he did.	1	2 the deposition.)
	Q. And that he had incidents	-	Q. (By Mr. Stockham) Looking
	that were at least consistent with	-	4 at Exhibit Eleven, the last and
5	seizures on the 23rd, the 27th, and		5 that's the your inmate medical
(according to your note the 9th?		6 summary.
7	MS. MCDONALD: Object to	1	7 A. Yes, sir.
8	the form.	1	Q. That is the last entry
9	A. I can't say what is		on that is January 14th?
11			0 A. Correct.
1:	can say is that Mr. Kelly claimed	1	1 Q. And the it doesn't
12	that he had a seizure, though no		2 reflect the transport to the
113	one witnessed him have a seizure,	1	
14		1	The second secon
115		1	
16			
17	e	1	J
118	The second to evaluate min 101	1	· · · · · · · · · · · · · · · · · · ·
119			2
20	and the same of the	1	
21		2	
22	1125 1126 01 11 EB. Object to	2	Q. So if it doesn't have the
23		2:	
123	A. If he was taken to the	2.	MR. STOCKHAM: I'll mark
i			
	-	126	128
1	doctor for a fall, the doctor would	126	
2			this as the next Exhibit.
	doctor for a fall, the doctor would certainly have been advised as to	1 2	this as the next Exhibit. (Whereupon, Plaintiff's
2	doctor for a fall, the doctor would certainly have been advised as to the conditions of that fall, as	1	this as the next Exhibit. (Whereupon, Plaintiff's Exhibit Twelve
2 3	doctor for a fall, the doctor would certainly have been advised as to the conditions of that fall, as according to what the inmate	1 2 3 4	this as the next Exhibit. (Whereupon, Plaintiff's Exhibit Twelve was marked for
2 3 4	doctor for a fall, the doctor would certainly have been advised as to the conditions of that fall, as according to what the inmate claims, and certainly it's my	1 2 3 4 5	this as the next Exhibit. (Whereupon, Plaintiff's Exhibit Twelve was marked for identification.)
2 3 4 5	doctor for a fall, the doctor would certainly have been advised as to the conditions of that fall, as according to what the inmate claims, and certainly it's my experience when visiting the doctor	1 2 3 4 5	this as the next Exhibit. (Whereupon, Plaintiff's Exhibit Twelve was marked for identification.) Q. I'll show you what's
2 3 4 5 6	doctor for a fall, the doctor would certainly have been advised as to the conditions of that fall, as according to what the inmate claims, and certainly it's my experience when visiting the doctor that he asks me questions that I as	1 2 3 4 5 6	this as the next Exhibit. (Whereupon, Plaintiff's Exhibit Twelve was marked for identification.) Q. I'll show you what's marked as Exhibit Twelve, if you'll
2 3 4 5 6 7	doctor for a fall, the doctor would certainly have been advised as to the conditions of that fall, as according to what the inmate claims, and certainly it's my experience when visiting the doctor that he asks me questions that I as a patient answer, which I would	1 2 3 4 5 6 7 8	this as the next Exhibit. (Whereupon, Plaintiff's Exhibit Twelve was marked for identification.) Q. I'll show you what's marked as Exhibit Twelve, if you'll look at that. That reflects that
2 3 4 5 6 7 8	doctor for a fall, the doctor would certainly have been advised as to the conditions of that fall, as according to what the inmate claims, and certainly it's my experience when visiting the doctor that he asks me questions that I as a patient answer, which I would assume Mr. Kelly did as well.	1 2 3 4 5 6 7 8 9	this as the next Exhibit. (Whereupon, Plaintiff's Exhibit Twelve was marked for identification.) Q. I'll show you what's marked as Exhibit Twelve, if you'll look at that. That reflects that Mr. Kelly was taken to Russell ER,
2 3 4 5 6 7 8 9	doctor for a fall, the doctor would certainly have been advised as to the conditions of that fall, as according to what the inmate claims, and certainly it's my experience when visiting the doctor that he asks me questions that I as a patient answer, which I would assume Mr. Kelly did as well. Q. So you didn't make any	1 2 3 4 5 6 7 8 9	this as the next Exhibit. (Whereupon, Plaintiff's Exhibit Twelve was marked for identification.) Q. I'll show you what's marked as Exhibit Twelve, if you'll look at that. That reflects that Mr. Kelly was taken to Russell ER, doesn't it?
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2 3 4 5 6 7 8 9 10 11 12	doctor for a fall, the doctor would certainly have been advised as to the conditions of that fall, as according to what the inmate claims, and certainly it's my experience when visiting the doctor that he asks me questions that I as a patient answer, which I would assume Mr. Kelly did as well. Q. So you didn't make any arrangements for him to be evaluated for seizures?	1 2 3 4 5 6 7 8 9 10 11 12	this as the next Exhibit. (Whereupon, Plaintiff's Exhibit Twelve was marked for identification.) Q. I'll show you what's marked as Exhibit Twelve, if you'll look at that. That reflects that Mr. Kelly was taken to Russell ER, doesn't it? (Witness examining documents.)
2 3 4 5 6 7 8 9 10 11 12 13	doctor for a fall, the doctor would certainly have been advised as to the conditions of that fall, as according to what the inmate claims, and certainly it's my experience when visiting the doctor that he asks me questions that I as a patient answer, which I would assume Mr. Kelly did as well. Q. So you didn't make any arrangements for him to be evaluated for seizures? A. No, sir, because I'm not a	1 2 3 4 5 6 7 8 9 10 11 12 13	this as the next Exhibit. (Whereupon, Plaintiff's Exhibit Twelve was marked for identification.) Q. I'll show you what's marked as Exhibit Twelve, if you'll look at that. That reflects that Mr. Kelly was taken to Russell ER, doesn't it? (Witness examining documents.) A. Well, what I see is that
2 3 4 5 6 7 8 9 10 11 12 13 14	doctor for a fall, the doctor would certainly have been advised as to the conditions of that fall, as according to what the inmate claims, and certainly it's my experience when visiting the doctor that he asks me questions that I as a patient answer, which I would assume Mr. Kelly did as well. Q. So you didn't make any arrangements for him to be evaluated for seizures? A. No, sir, because I'm not a doctor and I'm not going to call	1 2 3 4 5 6 7 8 9 10 11 12 13 14	this as the next Exhibit. (Whereupon, Plaintiff's Exhibit Twelve was marked for identification.) Q. I'll show you what's marked as Exhibit Twelve, if you'll look at that. That reflects that Mr. Kelly was taken to Russell ER, doesn't it? (Witness examining documents.) A. Well, what I see is that it was advised by Dr. James that he
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	doctor for a fall, the doctor would certainly have been advised as to the conditions of that fall, as according to what the inmate claims, and certainly it's my experience when visiting the doctor that he asks me questions that I as a patient answer, which I would assume Mr. Kelly did as well. Q. So you didn't make any arrangements for him to be evaluated for seizures? A. No, sir, because I'm not a doctor and I'm not going to call and make an appointment with a doctor for a seizure when I don't	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	this as the next Exhibit. (Whereupon, Plaintiff's Exhibit Twelve was marked for identification.) Q. I'll show you what's marked as Exhibit Twelve, if you'll look at that. That reflects that Mr. Kelly was taken to Russell ER, doesn't it? (Witness examining documents.) A. Well, what I see is that it was advised by Dr. James that he should be transported to Russell ER, and that Chief Deputy Brad
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	doctor for a fall, the doctor would certainly have been advised as to the conditions of that fall, as according to what the inmate claims, and certainly it's my experience when visiting the doctor that he asks me questions that I as a patient answer, which I would assume Mr. Kelly did as well. Q. So you didn't make any arrangements for him to be evaluated for seizures? A. No, sir, because I'm not a doctor and I'm not going to call and make an appointment with a doctor for a seizure when I don't in fact know that that inmate	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	this as the next Exhibit. (Whereupon, Plaintiff's Exhibit Twelve was marked for identification.) Q. I'll show you what's marked as Exhibit Twelve, if you'll look at that. That reflects that Mr. Kelly was taken to Russell ER, doesn't it? (Witness examining documents.) A. Well, what I see is that it was advised by Dr. James that he should be transported to Russell ER, and that Chief Deputy Brad Oakes actually arrived to transport
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	doctor for a fall, the doctor would certainly have been advised as to the conditions of that fall, as according to what the inmate claims, and certainly it's my experience when visiting the doctor that he asks me questions that I as a patient answer, which I would assume Mr. Kelly did as well. Q. So you didn't make any arrangements for him to be evaluated for seizures? A. No, sir, because I'm not a doctor and I'm not going to call and make an appointment with a doctor for a seizure when I don't in fact know that that inmate experienced a seizure.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	this as the next Exhibit. (Whereupon, Plaintiff's Exhibit Twelve was marked for identification.) Q. I'll show you what's marked as Exhibit Twelve, if you'll look at that. That reflects that Mr. Kelly was taken to Russell ER, doesn't it? (Witness examining documents.) A. Well, what I see is that it was advised by Dr. James that he should be transported to Russell ER, and that Chief Deputy Brad Oakes actually arrived to transport Kelly to Russell ER.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	doctor for a fall, the doctor would certainly have been advised as to the conditions of that fall, as according to what the inmate claims, and certainly it's my experience when visiting the doctor that he asks me questions that I as a patient answer, which I would assume Mr. Kelly did as well. Q. So you didn't make any arrangements for him to be evaluated for seizures? A. No, sir, because I'm not a doctor and I'm not going to call and make an appointment with a doctor for a seizure when I don't in fact know that that inmate experienced a seizure. MS. MCDONALD: Can we take a break? MR. STOCKHAM: Sure, yes. Absolutely.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	this as the next Exhibit. (Whereupon, Plaintiff's Exhibit Twelve was marked for identification.) Q. I'll show you what's marked as Exhibit Twelve, if you'll look at that. That reflects that Mr. Kelly was taken to Russell ER, doesn't it? (Witness examining documents.) A. Well, what I see is that it was advised by Dr. James that he should be transported to Russell ER, and that Chief Deputy Brad Oakes actually arrived to transport Kelly to Russell ER. Q. So he was transported to Russell ER on the 16th? A. Correct. Q. But that was not reflected
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	doctor for a fall, the doctor would certainly have been advised as to the conditions of that fall, as according to what the inmate claims, and certainly it's my experience when visiting the doctor that he asks me questions that I as a patient answer, which I would assume Mr. Kelly did as well. Q. So you didn't make any arrangements for him to be evaluated for seizures? A. No, sir, because I'm not a doctor and I'm not going to call and make an appointment with a doctor for a seizure when I don't in fact know that that inmate experienced a seizure. MS. MCDONALD: Can we take a break? MR. STOCKHAM: Sure, yes.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	this as the next Exhibit. (Whereupon, Plaintiff's Exhibit Twelve was marked for identification.) Q. I'll show you what's marked as Exhibit Twelve, if you'll look at that. That reflects that Mr. Kelly was taken to Russell ER, doesn't it? (Witness examining documents.) A. Well, what I see is that it was advised by Dr. James that he should be transported to Russell ER, and that Chief Deputy Brad Oakes actually arrived to transport Kelly to Russell ER. Q. So he was transported to Russell ER on the 16th? A. Correct.

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129	131
1 in your response you don't addr	ess
2 Q inmate medical summary? 2 his request to see a doctor, do	
3 A no, sir. On the day 3 you?	
4 that that inmate medical summary 4 A. No, sir.	
5 was recorded, the last incident as 5 Q. Why not?	•
6 of that time was January 14th. 6 A. Well, I think over that	
Q. So you had prepared this 7 period of time he had been to the	e
8 hospital on the 9th and which	
A. Prior to the 16th. 9 would have been the day before	
10 Q the 16th? 11 So it was either the 14th 11 that	here is
12 on the 15th 2	
(whereupon, an	
on-ine-record	
discussion was held.)	
A. All right. He had been	to
the nospital the night before on	
1 / the 9th. He was taken again on the	the
10 Tith, the next day after the 10th,	
19 for a medical exam.	
Q. (By Mr. Stockham) W	ell,
when you responded on the 11th	
22 don't say anything about the fact	
23 that he was going to the doctor	
130	132
1 Thirteen. 1 that day, do you?	
On the 10th of December 2 A. No. sir. In between all	
3 of these inmate requests you have	e
4 Owens and the doctor. 4 to understand that there was a lot	
MS. MCDONALD: Which 5 of oral correspondence with Mr	
o nang on a second. I've got another 6 Kelly. Most of what we were do	ing
one that's because I've got two 7 at this point was repetitive with	J
o dates or two requests on that same 8 him. He was sending them out of	ne
9 after the other. Now, you tell an	
requests on that date that I can 10 inmate what the status is and you	
11 find right now. Let's be sure 11 don't have time to go back to this	
12 you've got the right one. 12 inmate over and over	
13 Q. You've got the 13 again. I believe that our response	,
14 A. Yes, sir. 14 to him had been satisfaction I	į.
15 mean, we gave him satisfaction.	We
16 were aware of his requests, we we	ere
1 making appointments, ne was ger	ting
10 medical care. But anything beyon	nd .
A. Yes, it is. 19 that becomes frivolous.	
20 Q. And you've dated it, 21 12-11-03? 20 Q. The fact, all you say in	
21 dis response, Exhibit Inineen, is	
22 that if he has a problem that he	
23 Q. And in it you respond - 23 needs to speak to someone about,	\$

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		133			135
-	then the sergeant or the lieutenant		1	Ma'am?	
	will be glad to speak with him?		2	A. Sir?	
- -	A. In fact, that is correct,		3	Q. Who's Kay Taylor?	
	and which I did speak with him.		4	A. Kay Taylor was a	
	The officers, the other corrections		5	corrections officer at the jail.	
	officers spoke with him and as I		6	Q. Do you have that document	
	was addressing in that his constant		7	there in your file?	
{	1		8	A. I do.	
9	The state of the s		9	Q. Why don't you look at that	
1	The state of the s		10	so we can go over it together.	
1			11	Did you instruct Kay	
1	,		12	Taylor to write out this statement?	
	officers for. There is a grievance		13	A. No, sir, I did not. I	
1	1 J		14	don't know well, I'll say that I	
1!			15	don't recall. She may have called	
110	and the same of th		16	me. I may have said, be sure you	
1	Julia i i i i i i i i i i i i i i i i i i		17	write it down, but I don't	
18	8		18	necessarily know that I did.	
19	1		19	Officers knew that when	
20	-0		20	they had an incident that they were	
21	8		21	required to write a statement of	
22	8 8 according		22	what they saw and heard.	
23	and prescribed by a doctor. And		23	Q. Now, in addition to Mr.	
		134			136
1	beyond that, I believe that the		1	Kelly reporting that he had a	
2	officers as well as myself, and		2	seizure, a correction officer had	
3	Lieutenant Wilson, met everything		3	seen him flopping around on the	
4	within the state required legal	ļ	4	ground.	
5	standards for medical care.		5	MS. MCDONALD: Object to	1
6	Q. Now, on the 16th of		6	the form. Let her read over this	
7	December Mr. Kelly had another	1	7	but I don't	
8	fall, did he not?		8	Q. Have you reviewed that	
9	MS. MCDONALD: Object to		9	document?	
10	the form.		10	MS. MCDONALD: Kay	200
11	A. Not to my knowledge.	1	11	Taylor's	
12	Well, alleged fall.		12	MR. STOCKHAM: Yes.	
13	Q. Well, an alleged fall?	l	13	MS. MCDONALD: report?	
14	A. An alleged fall.	1	14	I don't does it say what	Š
15	Q. Well, let me show you what	1	15	(Witness examining	
16	I'm going to mark as Exhibit		16	documents.)	
17	Fourteen.		17	A. Yes, sir.	
18	(Whereupon, Plaintiff's		18	MS. MCDONALD: Wait a	
19	Exhibit Fourteen		19	minute. What was the question,	
20	was marked for			Richard?	
21	identification.)	1	21	MR. STOCKHAM: Have you	
22	Q. This is a statement signed	- [22	read the document?	
23	by Kay Taylor. Who is Kay Taylor?		23	A. Yes, sir.	

34 (Pages 133 to 136)

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